



January 14, 2013

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: WT Docket No. 12-69**

Dear Ms. Dortch:

Cellular South, Inc. (d/b/a C Spire Wireless) submits this *ex parte* letter in order to further underscore the need to restore interoperability via a single, unified band specification for all operations on paired spectrum in the Lower 700 MHz by a date certain within the next twelve to eighteen months. Commission action on this issue would end underutilization of this valuable spectrum and facilitate the expansion of mobile broadband deployment throughout the country.

This proceeding is rooted in a petition<sup>1</sup> filed over three years ago seeking resolution to a problem that arose over 4 years ago – just after the close of Auction 73 – when a second, narrower band specification was created for the Lower 700 MHz paired spectrum, thus destroying interoperability for that band. As was noted when the Commission unanimously issued the present NPRM, competitive and market realities demand a resolution that is now overdue.<sup>2</sup>

Without Commission action to restore Lower 700 MHz interoperability, over \$2 billion of the best spectrum ever made available for mobile broadband deployment in the U.S. will remain largely fallow — further stifling economic growth in places (like America's vast non-urban areas) that are most in need during these difficult times.

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<sup>1</sup> See, Petition of 700 MHz Block A Good Faith Purchasers Alliance (filed Sept. 29, 2009).

<sup>2</sup> See, e.g., *Re: Promoting Interoperability in the 700 MHz Commercial Spectrum*, WT Docket No. 12-69; *Interoperability of Mobile User Equipment Across Paired Commercial Spectrum Blocks in the 700 MHz Band*, RM-11592, Statement of Commissioner Mignon L. Clyburn (Mar. 22, 2012) ("If sufficient progress is not being made, we should not hesitate to adopt these proposed rules. I look forward to an industry solution, or the adoption of rules, by the end of this [2012] calendar year.")

## **No Technological Impediments to Restoring Lower 700MHz Interoperability**

The record in this proceeding is crystal clear: There are no technological or interference impediments to restoring interoperability to the Lower 700 MHz paired spectrum. There is simply no genuine deployment scenario in which the use of a single, harmonized band specification diminishes the performance of devices on the Lower 700 MHz paired spectrum.<sup>3</sup>

## **Substantial Benefits to Harmonizing Lower 700MHz**

By harmonizing all operations on the paired spectrum in the Lower 700 MHz to their original single, unified band specification, the Commission would enable competitive operators to immediately begin the process of deploying 4G mobile broadband services to millions of Americans who currently do not have access to such services today.

For example, upon the Commission establishing a date certain for the full restoration of a single, unified band specification for all operations in the Lower 700 MHz paired spectrum (the “Lower 700MHz Harmonization Date”), C Spire Wireless would immediately begin network design, site acquisition, and engaging equipment and device vendors to support the deployment of 4G LTE services in its Lower 700 MHz license area. Then, no later than twelve (12) months prior to the Lower 700MHz Harmonization Date, C Spire Wireless would begin construction, testing and optimization of a Lower 700 MHz LTE network so that, on or before the Lower 700 MHz Harmonization Date, C Spire Wireless would offer LTE services to at least seventy-percent (70%) of the population, as well as fifty percent (50%) of the geography, of its existing service area which would result in coverage for over 2.5 million POPs.<sup>4</sup>

In short, the sooner that C Spire Wireless has certainty that a single band specification will be restored to the Lower 700 MHz paired spectrum, the more quickly it will be able to deploy LTE on its 700 MHz spectrum; making 700 MHz spectrum its primary spectrum for LTE deployment and further enabling the re-farming of its other spectrum holdings for supplemental 4G deployments. Other, similarly-situated operators would follow suit, substantially increasing the availability of 4G mobile broadband services and competition to American consumers – especially in our nation’s small towns and rural areas.<sup>5</sup>

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<sup>3</sup> See, e.g., October 10, 2012, *ex parte* letter of Vulcan Wireless LLC, re: WT Docket No. 12-69 (summarizing the conclusions of engineering analyses submitted in this proceeding).

<sup>4</sup> POPs estimate is based upon U.S. Census 2011 estimate data. See, e.g., [quickfacts.census.gov](http://quickfacts.census.gov).

<sup>5</sup> See, February 9, 2011, *ex parte* letter of Cellular South, Inc., re: WT Docket 05-265 and RM-11592, p. 3 (emphasis added):

*A data roaming obligation similar to the current voice roaming obligation **(and the assurance of interoperable 700 MHz devices within the very short term)** would provide Cellular South with certainty on the fundamental issue preventing rapid deployment of substantial capital for the construction of new 4G facilities within its current operating areas and its larger 700 MHz license footprint....*

*The capital needed for an extensive deployment of LTE across the company's 700 MHz license area was secured prior to Auction 73. This capital, which could be creating jobs through the construction and operation of new cell sites, towers, and retail locations, has remained sidelined as a result of the lingering uncertainty surrounding data roaming **and interoperability**. Should the FCC end this uncertainty, the Commission can be assured that announcements of job-creating network upgrades and expansions would follow.*

With the assurance of a Lower 700 MHz Harmonization Date on or before July 1, 2014, C Spire Wireless and other similarly situated operators would finally be able to move substantial private capital from the side-lines into Lower 700 MHz deployments. With that one action, each of these carriers would, for the first time since Auction 73, have certainty that a unified Lower 700 MHz paired-spectrum ecosystem would develop in the same robust manner as we have experienced in prior spectrum bands.

Unified band specifications across like spectrum have been essential to promoting previous wireless deployments, enabling all operators – regardless of future or existing air-interface technologies – to participate in continued, robust development on the 850 MHz spectrum (i.e. AMPS, TDMA, CDMA, GSM, and, soon, LTE) and PCS spectrum (i.e., CDMA, GSM, and now LTE). Restoring this condition – a unified band specification – to the Lower 700 MHz paired spectrum is absolutely critical to ending the underutilization of this valuable spectrum and to accelerating mobile broadband deployments throughout the country.

For all these reasons, C Spire Wireless again urges the Commission to move quickly to establish a date, not later than July 1, 2014, by which all operations on the Lower 700 MHz paired spectrum will be restored to a single, unified band specification.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Moncrief". The signature is stylized with a large, looped "y" at the end.

Benjamin M. Moncrief  
Director, Government Relations  
C Spire Wireless

cc: Ruth Milkman, Chief, Wireless Telecommunications Bureau (via e-mail)  
Jim Schlichting, Senior Deputy Chief, Wireless Telecommunications Bureau (via e-mail)